



UNITED STATES PATENT AND TRADEMARK OFFICE

mm
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,220	06/20/2003	Lisa Ann Morrill Webb	37355-148	7294
7590	03/17/2004		EXAMINER	
Stephen T. Scherrer McDERMOTT, WILL & EMERY 227 West Monroe Street Chicago, IL 60606-5096			FRANKLIN, JAMARA ALZAIDA	
			ART UNIT	PAPER NUMBER
			2876	

DATE MAILED: 03/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/601,220	WEBB ET AL.	
	Examiner	Art Unit	
	Jamara A. Franklin	2876	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on _____.
 2a) This action is FINAL. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 1-22 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Pentz et al. (US 6,471,127) (hereinafter referred to as ‘Pentz’).

Pentz teaches a non-standardized transaction card comprising a storage means for storing information wherein the nonstandard-sized transaction card comprises a length measurement and a width measurement, wherein both the length and width measurements are each less than about 1 inch (col. 5, lines 17-53);

wherein the storage means is a magnetic stripe;

wherein the magnetic stripe is parallel to an edge of the nonstandardized card; and
the card further comprising an aperture disposed through the transaction card.

Pentz teaches a nonstandardized-sized transaction card comprising a storage means for storing information wherein the nonstandard-sized transaction card comprises a length measurement and a width measurement wherein the length measurement is greater than about 3 inches (col. 5, lines 24-53);

wherein the storage means is a magnetic stripe;

wherein the magnetic stripe is parallel to an edge of the nonstandard-sized transaction card; and

the card further comprising an aperture disposed through the transaction card.

Pentz teaches a nonstandardized-sized transaction card having at least one set of opposing sides that are not parallel to each other, wherein the nonstandard-sized transaction card comprises a length measurement comprising a range selected from the group consisting of between about 1 inch and about 1 7/8 inches and greater than about 3 inches, and further wherein the nonstandard-sized transaction card comprises a width measurement comprising a range selected from the group consisting of less than about 1 inch and greater than about 1 7/8 inches (col. 10, lines 33-42 and Figures 13A and 13B);

the card further comprising a storage means for storing information relating to a transaction account;

wherein the storage means comprises a magnetic stripe;

wherein the magnetic stripe is disposed parallel to an edge of said transaction card;

wherein the magnetic stripe is parallel to one of the sides of the set of opposing sides that are not parallel to each other; and

the card further comprising an aperture disposed through the transaction card.

Pentz teaches a transaction card comprising a magnetic stripe, wherein the magnetic stripe has a measurement comprising a range selected from the group consisting of less than about 1 inch and greater than about 3 3/8 inches (col. 5, lines 15-53);

wherein the transaction card is a nonstandard-sized transaction card;

wherein the magnetic stripe is parallel to an edge of the transaction card;

the card further comprising an aperture disposed through the transaction card.

Conclusion

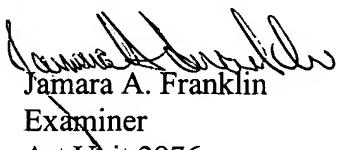
3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miyake (US 5,886,333) teaches a method for electronically transferring personal information on credit gaining card, and mini IC card, adapter card terminal adapter, slip issuing device, portable used therein.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamara A. Franklin whose telephone number is (571) 272-2389. The examiner can normally be reached on Monday through Friday 8:00am to 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jamara A. Franklin
Examiner
Art Unit 2876

JAF
March 5, 2004



KARL D. FRECH
PRIMARY EXAMINER